

LAWRENCE A. ORGAN (SBN 175503)  
larry@civilrightsca.com  
MARQUI HOOD (SBN 214718)  
marqui@civilrightsca.com  
CIMONE A. NUNLEY (SBN 326915)  
cimone@civilrightsca.com  
**CALIFORNIA CIVIL RIGHTS LAW GROUP**  
332 San Anselmo Avenue  
San Anselmo, California 94960  
Telephone: (415)-453-7352  
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)  
balexander@amflp.com  
**ALEXANDER MORRISON & FEHR LLP**  
1900 Avenue of the Stars, Suite 900  
Los Angeles, California 90067  
Telephone: (310) 394-0888  
Facsimile: (310) 394-0811

MICHAEL RUBIN (SBN 80618)  
mrubin@altber.com  
JONATHAN ROSENTHAL (SBN 329638)  
jrosenthal@altber.com  
**ALTSHULER BERZON LLP**  
177 Post Street, Suite 300  
San Francisco, California 94108  
Telephone: (415) 421-7151  
Facsimile: (415) 362-8064

DUSTIN L. COLLIER (SBN 264766)  
dcollier@collierlawsf.com  
V. JOSHUA SOCKS (SBN 303443)  
jssocks@collierlawsf.com  
ELIZABETH R. MALAY (SBN 336745)  
emalay@collierlawsf.com  
DREW F. TETI (SBN 267641)  
drew@collierlawsf.com  
**COLLIER LAW FIRM, LLP**  
240 Tamal Vista Blvd. Suite 100  
Corte Madera, CA 94925  
Telephone: (415) 767-0047  
Facsimile: (415) 767-0037

Attorneys for Plaintiff,  
OWEN DIAZ

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

OWEN DIAZ,  
Plaintiff,  
v.  
TESLA, INC. dba TESLA MOTORS, INC.;  
Defendant.

Case No. 3:17-cv-06748-WHO

**DECLARATION OF KELLY  
ARMSTRONG IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
ATTORNEY'S FEES**

Trial Date: March 27, 2023  
Complaint filed: October 16, 2017

**DECLARATION OF KELLY ARMSTRONG**

I, Kelly Armstrong, declare as follows:

1. I am the founder of The Armstrong Law Firm, A Professional Corporation. I am a member in good standing with the bar in the State of California, United States District Court for the Northern District in California, Ninth Circuit Court of Appeals, California Supreme Court and the Supreme Court of the United States of America. I have personal knowledge of the matters set forth herein and if called to do so, I could and would testify to the foregoing matters. I make this Declaration in support of Plaintiff's Motion for Attorney's Fees on Appeal.

2. I received a Bachelor of Arts degree from the University of California at Berkeley where I also received multiple scholarships and was admitted into Phi Beta Kappa. I received a Juris Doctor degree from the University of San Francisco where I received a scholarship. I worked in the field of labor and employment law for three years as a law clerk, when I also joined the California Employment Lawyers Association (CELA) and the National Employment Lawyers Association (NELA) as a student member. I have practiced law since 2001, working in labor and employment law for three years as an attorney before founding my own law firm in 2004. I presently have four employees and multiple attorneys working on our cases. I regularly co-counsel cases with other plaintiffs' civil rights lawyers in Northern California.

3. Since becoming an attorney, I have represented hundreds of plaintiffs in wrongful termination and employment discrimination cases. I estimate that I have represented over 500 plaintiffs successfully in Labor Code and wage and hour violations cases, whistleblower cases, wrongful termination and harassment cases, including cases alleging discrimination on the basis of gender, race, physical disability, age and actions alleging sexual harassment.

4. I frequently lecture and write articles regarding multiple areas of employment law. Most recently, I lectured regarding employment discrimination topics to multiple professional groups in California and nationally in 2018-2019. Additionally, I was on the California Employment Lawyers Association (CELA) annual employment panel in October 2017 and the American Association for Justice (AAJ) panel in July 2017 where I discussed different areas of employment law. I am an active member of the California Employment Lawyers Association (CELA), National Employment Lawyers Association (NELA), Consumer Attorneys of California (CAOC), American

1 Association of Justice (AAJ), San Francisco Trial Lawyers Association (SFTLA), Public Justice and  
 2 Northern California PELA-CABAL. I have been ranked in the top 5% of employment litigation  
 3 attorneys by my peers in Northern California from 2015 through present.

4 5. I know Dustin Collier and V. Joshua Socks personally. Both were employed by my firm  
 5 as associates early in their careers. I am also familiar with Mr. Collier through the California plaintiffs  
 6 employment lawyers bar. He is regularly described as brilliant and an excellent litigator and trial lawyer.  
 7 Mr. Socks is also highly intelligent and an excellent legal writer. Their firm has emerged as one of the  
 8 top plaintiffs' employment law firms.

9 6. I have personal knowledge of the hourly rates charged by other attorneys with varying  
 10 experience levels in the Bay Area legal market. Mr. Collier's requested rate of \$750/hour is frankly a  
 11 bargain based on his reputation and accolades. It is certainly reasonable and in line with the rates of  
 12 other attorneys in the Bay Area litigating employment cases. V. Joshua Socks' requested rate of  
 13 \$700/hour is also reasonable, considering his experience level and the successful result this team of  
 14 attorneys had in this and other cases. Based on my knowledge of the rates charged by employment  
 15 attorneys in the Bay Area, I believe these requested rates to be well within the reasonable range for such  
 16 rates and undoubtedly at the low end for attorneys of comparable skill and experience in the defense  
 17 bar. These rates also appear to be consistent with the non-contingent hourly rates charged by law firms  
 18 of comparable caliber, experience level, and reputation for similar work.

19 7. Although I am less familiar with their work, I also find the rates requested for Drew F.  
 20 Teti (\$550/hour), Elizabeth Malay (\$400/hour), Michael Rubin (\$1,275/hour), Bernard Alexander  
 21 (\$1,200/hour), Lawrence Organ (\$975/hour), Cimone Nunley (\$500/hour), Marqui Hood (\$900/hour),  
 22 Navruz Avloni (\$725/hour), Jonathan Rosenthal (\$650/hour), Britt Karp (\$675/hour), Corinne  
 23 Johnson (\$825/hour), and Sam Hull (\$550/hour) to be consistent with the rates charged by attorneys  
 24 with comparable skills, experience, and reputation throughout the Bay Area.

25 8. Taking contingency fee cases with relatively minor economic damages like this is risky  
 26 and takes just as much time, effort and skill as a case on behalf of a technology worker or Chief  
 27 Executive Officer. In reality, it often takes more time, effort and skill because when the economic  
 28 damages are low the case is not taken seriously by defense counsel. That is why attorney fee awards, and  
 more importantly multipliers, are essential to encourage lawyers to prosecute meritorious cases even

1 when the plaintiff is a low wage worker who does not have the special damages that a higher wage  
2 earner would be entitled to recover. Without a fee award in cases such as these, even attorneys who  
3 believe in the cause will be unable to accept and prosecute claims like these. Workers throughout the  
4 State of California will suffer from the lack of labor and employment law enforcement. Moreover, law-  
5 abiding businesses and the public at large will suffer, as those employers who violate employment laws  
6 with impunity will go unpunished, gain an unfair advantage over compliant employers in the  
7 marketplace, and ultimately come to dominate that market as they drive their competitors out of  
8 business.

9 I declare under penalty of perjury and the laws of the State of California that the foregoing is  
10 true and that this declaration was executed on this 25 day of October, 2023.

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Kelly Armstrong  
The Armstrong Law Firm